

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (currently amended): A preform having at least a layer of an ethylene terephthalate unit-containing a polyester resin ~~and is formed by the compression-forming,~~ wherein the time is not shorter than 300 seconds before a calorific value of isothermal crystallization of said layer of the ethylene terephthalate unit-containing polyester resin at 210°C reaches a maximum value, and wherein said preform is formed by compression-forming a molten resin mass ~~polyester resin contains ethylene terephthalate units.~~
2. (previously presented): A preform according to claim 1, wherein said polyester resin contains ethylene terephthalate units at a ratio of not smaller than 95 mol%.
3. (original): A preform according to claim 1, wherein said polyester resin contains recycled polyester resins.
4. (original): A preform according to claim 1, wherein the preform has a layer of a thermoplastic resin other than the layer of said polyester resin.

5. (original): A preform according to claim 4, wherein the layer of said thermoplastic resin is an intermediate layer with the layers of said polyester resin as inner and outer layers, and is at least a layer of a gas-barrier resin or a recycled polyester resin.

6. (withdrawn-currently amended): A method of producing a preform having at least a layer of an ethylene terephthalate unit-containinga polyester resin ~~and is formed by the~~ compression-forming, wherein the time is not shorter than 300 seconds before a calorific value of isothermal crystallization of said layer of the ethylene terephthalate unit-containing polyester resin at 210°C reaches a maximum value, and wherein said ~~polyester resin contains ethylene terephthalate units~~ preform is formed by compression-forming a molten resin mass, which method comprises feeding a molten polyester resin having an inherent viscosity at the time of melt-extrusion of not smaller than 0.72 dL/g to a compression-forming machine and compression-forming.

7. (withdrawn): A method of producing a preform according to claim 6, wherein the temperature of melt-extruding the molten polyester resin is in a range of  $T_m + 5^{\circ}\text{C}$  to  $T_m + 40^{\circ}\text{C}$  with the melting point ( $T_m$ ) of the polyester resin as a reference.

8. (withdrawn): A method of producing a preform according to claim 6, wherein a drop of the inherent viscosity at the time of melt-extrusion from the inherent viscosity of when the polyester resin to be used is thrown into the extruder is not larger than 10%.

9. (withdrawn): A biaxially drawn container obtained by biaxially draw blow-forming the preform of claim 1, wherein the time is not shorter than 300 seconds before a calorific value of isothermal crystallization of the polyester layer at 210°C reaches a maximum value.